

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**LEE RATZEL,**

**Plaintiff,**

**v.**

**Case No. 05-C-1289**

**TERRY GABLE,**

**Defendant.**

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**DECISION AND ORDER**

Plaintiff Lee Ratzel, a pro se litigant, has filed an action under 42 U.S.C. § 1983, alleging that defendant unlawfully restrained him. Ordinarily, a plaintiff must pay a statutory filing fee of \$250 to bring an action in federal court. 28 U.S.C. § 1914(a). Plaintiff, however, has requested leave to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915.

Section 1915 is meant to ensure indigent litigants meaningful access to federal courts, Nietzke v. Williams, 490 U.S. 319, 324 (1989), and applies to both nonprisoner plaintiffs and to plaintiffs who are incarcerated, Floyd v. United States Postal Serv., 105 F.3d 274, 275-77 (6th Cir. 1997) (“[T]he only logical interpretation of the statute is that non-prisoners have the option to proceed in forma pauperis under § 1915(a).”). Under § 1915, an indigent party may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and the affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1).

Plaintiff failed to file the required affidavit of indigence. Accordingly, I will provide plaintiff twenty-one (21) days from the date of this order to file the required affidavit. A copy

of the standard in forma pauperis petition used by non-prisoners in the Eastern District of Wisconsin is enclosed for plaintiff's use.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that plaintiff shall file an affidavit of indigence within twenty-one (21) days of the date of this order.

Dated at Milwaukee, Wisconsin, this 21st day of December, 2005.

s/Lynn Adelman  
LYNN ADELMAN  
U.S. District Judge